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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ronald E. Sloan

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03/24/2006

OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609

EXAMINER

HARBECK, TIMOTHY M

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,443	SLOAN ET AL.	
	Examiner	Art Unit	
	Timothy M. Harbeck	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-26, 28-33, 35-38, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran (US Pat 6,430,542) in view of Atkins (US Pat 4,953,085).

Re Claims 25,32 and 37: Moran discloses a method, system and computer program for providing automated coaching for a financial modeling and counseling system over a network to a user comprising;

- Inputting personal financial data of the user (Col 11, lines 41-43)
- Inputting user preferences (Claims 1-6)
- Inputting user financial goals (Col 11, lines 45-46)
- Inputting external financial market data (Claims 1-6)
- Processing the personal financial data, the external financial market data, the user outputting automated coaching advice presented in a natural language format, wherein the automated coaching advice includes a proposed product configuration formulated to comply the user preferences and the user financial goals; and a projection of an effect of the proposed product configuration on attaining the user financial goals

(method steps of Figs 3-39); wherein part of the personal financial data includes an aggregated cash flow model, an investment target value, a target date for achieving financial user financial goals (fig 42).

Moran does not disclose

- Wherein the coaching device is directed to the user and based on the personal financial data preferences and financial goals of the user and;
- Wherein the proposed product configuration includes recommended securities for the user to purchase from a larger set of securities

Atkins discloses a system for the operation of a financial account for effecting an improved personal financial management program. Atkins discloses, "through a mathematical programming function the client specifies his financial objectives, a forecast of economic and financial variables, risk preference and the budgetary constraints to which he is subject. The mathematical programming function suggests investments and credit facilities to the client to best realize his financial objectives (Col 1 line 67-Col 2 line 5)."

It would have been obvious to someone skilled in the ordinary art at the time of invention to include the teachings of Atkins to the system of Moran to allow an individual to have complete control and authority of their investments while still receiving outside advice. In this manner, an individual would not need to hire a professional financial advisor, thereby saving money, but could still receive assistance with their investments.

Re Claims 26,33 and 38: Moran further discloses a method, system and computer program wherein part of the personal financial data includes an aggregate

cash flow model, an investment value, a target date for achieving financial user financial goals, or an investment portfolio (see abstract).

Re Claims 28, 35 and 40: Moran further discloses a method, system and computer program wherein the automated coaching advice in natural language format is an interpretation of numerical data (Col 25, lines 52-55).

Re Claim 29: Moran further discloses a method wherein the user preferences include a risk tolerance, an investment style or a market attitudes (see Fig 30, 87).

Re Claim 30: Moran further discloses a method wherein the user goals include retirement, purchasing a house, purchasing a car, going on vacation, or paying for college (Fig 18).

Re Claims 31, 36 and 41: Moran further discloses a method, system and computer program wherein the automated coaching advice provides live coaching over the network (Col 2, lines 16-19).

Claims 27, 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Atkins as applied to claims 25, 32 and 37 above respectively, and further in view of Maggioncalda et al. (hereinafter Maggioncalda US Pat 5,918,217).

Re Claims 27,34 and 39: Moran in view of Atkins discloses the claimed method, system and computer program of claims 25, 32 and 37 respectively but does not disclose wherein the financial market data includes values of various indices, performance history of various securities, or prices of various securities. Maggioncalda discloses wherein the financial market data includes various market benchmark indices,

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performance history of various securities (i.e. volatility), or prices of various securities (see abstract). It would have been obvious to someone skilled in the ordinary art at the time of invention to modify the method, system and computer program of Moran in view of Atkins by adapting the teaching of Maggioncalda to provide the user with a more complete view of the financial market data and therefore give them a better understanding of investment opportunities.

Response to Arguments

Applicant's arguments filed 1/19/2006 have been fully considered but they are not persuasive. The applicant has argued that neither the Moran nor Atkins reference, alone or in combination disclose the step wherein the coaching advice is directed to the user. The examiner disagrees and has pointed to the Atkins reference that discloses a mathematical programming function through which "the client specifies his financial objectives, a forecast of economic and financial variables, risk preference and the budgetary constraints to which he is subject. The mathematical programming function suggests investments and credit facilities to the client to best realize his financial objectives. (Column 1 line 67-Column 3 line 5)." Clearly Atkins points toward information being directed to a user (the client) and the examiner believes a prima facie case of obviousness has been made to combine this teaching with Moran in order to save money by eliminating the need for professional assistance.

Furthermore, the fact that the coaching information of Moran is forwarded from a professional to an ultimate "user," still renders the coaching advice as being "directed to the user and based on the personal financial data as disclosed. The process is still

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automated and still ultimately directed to a user, albeit with a professional interpreter, if you will. In light of the obviousness rejection, this point is moot, but the examiner feels it is worth noting nonetheless.

No other arguments were made with respect to the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600